

REMARKS

Claims 1-24 are pending in the application upon entry of the amendments and new claims. Claims 1, 9, and 17 have been amended for consistency and to better describe certain aspects of the invention. Claims 21-24 have been added to further describe the invention. Favorable reconsideration in light of the amendments, the new claims, and the remarks which follow is respectfully requested.

The Allowable Subject Matter

The Examiner's indication that claims 11-14 contain allowable subject matter is noted with appreciation.

The Amendments and New Claims

Claim 1 has been amended to exclude hydrophobic acid releasing agents, such as those described in Wellinghoff below.

Claim 9 has been amended to correct a typographical error. Claim 17 has been amended consistent with the amendment to claim 1.

It is noted that new independent claim 21 contains subject matter from claim 1 further specifying the concentration of chlorine dioxide generated, with language excluding hydrophobic acid releasing agents, such as those described in Wellinghoff.

It is noted that new independent claim 23 contains subject matter from claims 1 and 15, with language excluding hydrophobic acid releasing agents, such as those described in Wellinghoff.

It is noted that new dependent claims 22 and 24 resemble dependent claim 17.

The Obviousness Rejection

Claims 1-10 and 15-20 have been rejected under 35 U.S.C. §103(a) over Wellinghoff (U.S. Patent 5,631,300). Wellinghoff relates to a biocidal composition providing the sustained release of chlorine dioxide. The composition contains a hydrophilic material (source of chlorite anions) and a hydrophobic material (acid

releasing agent hydrolyzable by moisture, such as an acid releasing wax). Hydrophobic materials of Wellinghoff are described in detail in Columns 9 and 10. In operation, acid is released from the hydrophobic material after moisture contacts the hydrophobic material, and the released acid reacts with the hydrophilic material to generate chlorine dioxide.

The chlorine dioxide generating composition of Wellinghoff contains a hydrophobic material containing an acid releasing agent (see Col. 9, lines 1-5). The independent claims require a composition consisting of a metal chlorite and a hydrophilic material. The amendment to claim 1 employing the "consisting of" transitional language disclaims the chlorine dioxide generating composition of Wellinghoff containing a hydrophobic material as an acid releasing agent. In other words, due to the presence of the hydrophobic material containing an acid releasing agent in Wellinghoff, one skilled in the art would not have been motivated by Wellinghoff to make the chlorine dioxide generating composition of the claims.

Since Wellinghoff fails to teach or suggest all of the features of claim 1, Wellinghoff cannot render claims 1-10 and 15-20 obvious. Therefore, withdrawal of the rejection is respectfully requested.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

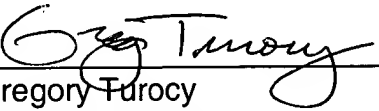
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In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 50-1063.

Respectfully submitted,

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